

**U.S. Environmental Protection
Agency and
National Association of Independent Labor
(NAIL) Local 9
Telework
Agreement**



August 10, 2016

Table of Contents

1. PURPOSE.....	3
2. SCOPE.....	3
3. POLICY	3
4. DEFINITIONS.....	3
5. ROLES AND RESPONSIBILITIES	4
6. TYPES OF TELEWORK	5
7. PORTABLE WORK EMPLOYEE ELIGIBILITY	6
8. EMPLOYEE ELIGIBILITY REQUIREMENTS.....	7
9. REQUIREMENTS FOR FULL-TIME TELEWORK.....	8
10. PREPARING FOR THE TELEWORK ARRANGEMENT	9
11. TELEWORK TRAINING	10
12. ESTABLISHING THE TELEWORK AGREEMENT	10
13. TELEWORK AGREEMENTS.....	11
14. TIME AND ATTENDANCE AND OTHER MISCELLANEOUS ISSUES.....	11
15. TELEWORK DURING DISMISSALS AND CLOSURES.....	13
16. DENIAL, MODIFICATION AND/OR TERMINATION OF THE TELEWORK AGREEMENT.....	14
17. REPORTING	14
18. FACILITIES AND EQUIPMENT	15
19. INFORMATION SECURITY	15
20. RECORDS MANAGEMENT	16
21. MATERIALS SUPERSEDED	16
22. DURATION.....	16
23. REFERENCES	16
24. SIGNATURE PAGE	18
25. APPENDICES	19
APPENDIX A: NOTIFICATION OF INELIGIBILITY MEMORANDUM	19
APPENDIX B: TELEWORK APPLICATION/AGREEMENT FORM.....	21
APPENDIX C: EMPLOYEE SELF-CERTIFICATION SAFETY CHECKLIST.....	26
APPENDIX D: ANNUAL TELEWORK RECERTIFICATION FORM	29
APPENDIX E: TELEWORK DISCONTINUATION FORM	31

1. PURPOSE

The Telework Enhancement Act of 2010 (December 9, 2010) requires that the head of each executive agency establish a policy under which eligible employees of the agency may be authorized to telework. In addition, the Act requires that a determination be made regarding which employees are eligible to telework and that all employees of the agency should be notified of their eligibility. Final telework determinations, notifications and decisions will be the responsibility of each program and regional office.

A successful telework program can yield many benefits, including cost savings, increased productivity and performance, enhanced recruitment and retention, heightened employee morale, improved emergency preparedness and reduced energy use.

2. SCOPE

This agreement is entered into between U.S. EPA and NAIL Local 9, Gulf Ecology Division, Gulf Breeze, FL. This agreement covers all NAIL bargaining unit employees in the unit.

This agreement does not cover employees on details, or IPAs, outside of EPA to other agencies, departments or organizations.

3. POLICY

EPA supports the use of telework by eligible bargaining unit employees. The eligibility of employees to participate in telework is based on: 1) the extent to which their work is portable and 2) the employee eligibility requirements outlined in this agreement. Because telework requires collaboration between management and employees, both have responsibilities in its successful implementation and operation. An employee's participation in telework is voluntary. Teleworkers will receive the same treatment and opportunities as non-teleworkers (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.).

4. DEFINITIONS

Telework (formerly known as flexiplace) - work performed away from the official worksite, either at home or at an alternative work location, for an agreed-upon portion of the workweek or pay period.

Alternate Work Location (AWL) - a place away from the official worksite that has been approved for the performance of officially assigned EPA mission related duties. It will generally be an employee's primary residence during the work week, a telecenter or other approved worksite including a facility established by state, local, or county governments or private sector organizations for use by teleworkers.

Portable Work - work that is normally performed at the employee's official worksite but which can be performed with equal effectiveness at an AWL with respect to quality, quantity, timeliness, customer service and other aspects of mission accomplishment.

Official Worksite - the official location of an employee's position of record as determined under 5 CFR 531.605 and where the employee regularly performs his or her duties. Official worksite is synonymous with the term "official duty station" as used in 5 U.S.C. 5305(i).

Position of Record - an employee's official position defined by grade, occupational series, employing agency, Law Enforcement Officer status and any other condition that determines coverage under a pay schedule (other than official worksite), as documented on the employee's most recent Notification of Personnel Action

(Standard Form 50 or equivalent) and current position description, excluding any position to which the employee is temporarily detailed.

5. ROLES AND RESPONSIBILITIES

EPA Telework Managing Officer (TMO). The Assistant Administrator for the Office of Administration and Resources Management (AA/OARM), who also serves as EPA's Chief Human Capital Officer, shall serve as EPA's TMO. The TMO serves as the primary telework point of contact between EPA and OPM. The TMO is responsible for overall policy development and implementation of EPA's Telework Policy and programs and serves as an advisor for Agency leadership on the full range of telework issues as well as a resource for managers and employees.

Agency Telework Coordinator. The Office of Human Resources in the Office of Administration and Resources Management executes the duties of the Agency Telework Coordinator, and is responsible for overseeing the EPA telework program and ensuring that reporting requirements are fulfilled. The coordinator may periodically review telework approvals and disapprovals to ensure consistency of application, direct changes as necessary, and ensure that any necessary training is provided as required.

Program/Regional Office Telework Coordinators. Program Office/Regional Telework Coordinators are responsible for ensuring that all participants are aware of their responsibilities, that they have taken appropriate training, and have agreements in place. Upon request, Local Telework Coordinators are required to provide participation data and documented approvals and disapprovals to allow monitoring of the program.

Assistant Administrators and their equivalents. Within their respective Program Office or Region, Assistant Administrators (AAs), the Chief Financial Officer, the Chief Information Officer, the Inspector General, the Chief of Staff to the Administrator, the General Counsel, and Regional Administrators (RAs) or their equivalents or designated representatives are responsible for selecting program and regional office telework coordinators. These managers may assign and locate telework coordinator duties anywhere in their respective organizations. However, if a manager does not designate a telework program coordinator, he or she must ensure that the telework program coordinator's responsibilities are appropriately delegated to and performed by one person who will serve as a point of contact for the Agency's Telework Program Coordinator.

Deputy Assistant Administrators/Deputy Regional Administrators (or their designee). Review and approve requests for full-time telework consistent with Section 9 below.

Supervisors. Supervisors are responsible for the overall management of teleworking within their work units, including:

- ☐ Working with their Regional Human Resources Officer (RHRO), HR-SSC (Shared Service Center), and Program Management Officer (PMO) to identify positions that may, in whole or part, be eligible for telework and ensuring that such designations are identified in job announcements;
- ☐ Approving or disapproving new or revised requests to telework within a reasonable timeframe (i.e., normally within 15 calendar days) and in cases of disapproval, provide the rationale to the requesting employee using the Notification of Ineligibility Memorandum (Appendix A);
- ☐ Ensuring proper office coverage;
- ☐ Overseeing day-to-day telework operations, modifying individual telework agreements to meet mission needs or changing circumstances and maintaining records and information necessary for evaluation of the program;
- ☐ Ensuring that teleworkers agree to comply with all existing security policies and procedures, including IT security and personally identifiable information (PII); and
- ☐ Ensuring proper use of appropriate telework time reporting codes to document hours teleworked.

- ☐ Ensuring telework agreement is reviewed and recertified at least every 12 months using Annual Telework Recertification Form (Appendix D).

Employees. Employees are responsible for the following:

- ☐ Completing a telework agreement and submitting it to their supervisor for approval prior to teleworking;
- ☐ Performing an assessment of the AWL and answering the required questions on the Self-certification Safety Checklist;
- ☐ Adhering to the telework agreement and procedures and the terms and conditions of the approved telework agreement;
- ☐ Working with the supervisor to overcome problems or obstacles as they occur so that the work of the organization is accomplished timely and effective;
- ☐ Complying with EPA/Regional/Office policies for information technology security, use of government equipment/materials;
- ☐ Ensuring personal disruptions such as non-business telephone calls and visitors are kept to a minimum;
- ☐ Suggesting to their supervisor if modifications are necessary to the agreement.
- ☐ Completing Annual Telework Recertification Form (Appendix D) to continue eligibility for telework.

6. TYPES OF TELEWORK

Supervisors and managers may authorize the following types of telework based on their organizational needs:

Regular or Full-Time Telework allows an employee to work from an AWL on a regular, recurring basis of at least one (1) day per pay period. Regular telework may include “full-time” telework, that is, teleworking from an AWL (10) ten days per pay period.

Episodic Telework allows an employee to work from an AWL for a specific limited duration or on an ad hoc basis. An employee must have an approved episodic agreement in place and receive approval in advance each time he/she wishes to telework. The request to telework must contain a description of the work to be performed and the duration of the telework period. An approved telework agreement for episodic telework does not guarantee approval every time a telework request is made. The supervisor will use his or her discretion when considering each request for episodic telework. Upon completion of the episodic telework event, supervisors may require a list of tasks/work completed.

Unscheduled Telework is an option for EPA employees with telework agreements to telework from an approved AWL, to the extent possible, when severe weather conditions or other circumstances disrupt commuting or prevent employees from reporting to work, when offices are closed to the public or when unusual circumstances prevent Federal employees from accessing the regular office location. All employees with telework agreements are required to telework from home or an AWL to the greatest extent possible when EPA offices are closed to the public, or the federal government declares emergency dismissal or closure procedures.

Medical Telework allows an employee who has a physician-certified, temporary medical condition with an expected duration of six (6) months or less that prevents him/her from working at his or her official worksite to work at an AWL for a limited time. If a physician-certified medical need is submitted to the supervisor, medical telework may be authorized for up to 80 hours per pay period for up to six (6) months. After six months, a medical telework agreement may be extended if additional medical certification justifies it.

Any adjustments or requests for extensions to the approved medical telework must be supported by further medical certification. The total maximum allowable time for a medical telework is 12 months in a rolling

calendar year.

If disabled, an employee may wish to review the Agency's Reasonable Accommodation procedures to determine if a request under that authority is more appropriate for them than a request for medical Telework. Information on the Agency's Reasonable Accommodation procedures (including the procedures and contact information) can be found on the Agency's Office of Civil Rights website.

EPA Continuity of Operations Plan (COOP). In the event of an emergency that requires the activation of a COOP plan, any employee – with or without a telework agreement – may be required to telework. (Note: During any period that EPA is operating under a COOP, the COOP plan shall supersede this agreement.)

7. PORTABLE WORK - EMPLOYEE ELIGIBILITY

Although many positions may be suitable for telework, not all aspects of all jobs can be performed effectively at an AWL and therefore, considered portable. When an employee applies to participate in telework, the supervisor or manager must determine whether the position or portions of the position are suitable for telework. If a supervisor and manager determines the position (or portions therefore) to be ineligible for telework, they must notify the employee using the Notification of Ineligibility Memorandum (Appendix A). No notification is required if the employee is fully eligible to participate in telework, even on an episodic basis. Supervisors and managers are also responsible for working with their HR-SSC to identify which new positions may, in whole or part, be eligible for telework when such designations are identified in job announcements.

Work Suitable for Telework. Work that is suitable for telework depends on job content, rather than job series or title, type of appointment, or work schedule. It is possible that within identical or related occupational series, one position or portion thereof may be determined to be eligible for telework, and another may not, depending on individual job requirements. The General Services Administration (GSA) guidelines identify several tasks and functions generally suited for telework. These include, but are not limited to:

- ☐ Reviewing and writing;
- ☐ Policy development;
- ☐ Report writing;
- ☐ Research (when research tools are available at the AWL);
- ☐ Analytical work;
- ☐ Telephone-intensive tasks; and
- ☐ Computer-oriented tasks (e.g., programming, data entry, data processing, word processing, web page design).

Employees may have some duties that are suitable for telework and others that are not suitable for telework. For these employees, supervisors will need to determine how many days per week an employee is eligible to work at an AWL as part of Regular telework.

Positions Generally Ineligible for Telework. Ineligible telework positions are determined by the supervisor or manager and are those positions involving tasks that are not suitable to be performed away from the official worksite. Examples include, but are not limited to, positions that comprise tasks that:

- ☐ Require the employee to have daily face-to-face contact with the supervisor, colleagues, clients or the general public in order to perform his or her job effectively, which cannot otherwise be achieved via e-mail, telephone, fax or similar electronic means;
- ☐ Require daily access to classified information or a classified installation; [Note: Secure materials are those materials in which there exists a written policy, at the government, agency or organizational level, restricting the use/access outside of a specific government installation or area within a government installation, and including sensitive personal identifiable information (SPII)];

- ☐ Involve the construction, installation, maintenance and/or repair of EPA facilities;
- ☐ Involve the physical protection of EPA facilities or employees; and
- ☐ Other physical presence/site-dependent activity (e.g., emissions testing, laboratory trials).

8. EMPLOYEE ELIGIBILITY REQUIREMENTS

Although the supervisor or manager has decision authority, an employee and supervisor should work together to determine if telework is appropriate.

Basic Eligibility Requirements. All EPA employees may be authorized to telework if:

- ☐ The employee has portable work;
- ☐ The employee is currently performing at the “Fully Successful” level or above. If an employee’s last rating of record is less than “Fully Successful,” he or she must wait until a rating of record of “Fully Successful” or above is received;
- ☐ There are no documented performance or conduct deficiencies within the preceding 12 months, including, but not limited to (5) five or more days of being absent without permission;
- ☐ Arrangements are in place for dependent/elder care, if applicable, during the time the employee is working at an AWL;
- ☐ The employee agrees to return to the official work site on a regular telework day or an episodic telework day if required to do so by his or her supervisor; and
- ☐ The employee signs and abides by all requirements in his or her written and approved telework agreement.

Employees may not telework under this agreement if:

- ☐ The employee has been officially disciplined for being absent without permission for more than five days in any calendar year; or
- ☐ The employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a federal government computer or while performing official federal government duties.

Additional Factors for Consideration. In determining if telework is appropriate for any employee, supervisors should consider additional factors to augment the basic eligibility requirements. An employee suitable for telework is an employee whose demonstrated performance and conduct that is well suited to telework, as determined by the supervisor, including, at a minimum:

- ☐ Working Without Close Supervision. The employee is capable of working without close supervision, is self-motivated and dependable in accomplishing work assignments, and can work effectively in an isolated environment.
- ☐ Clearly Defined Performance Standards. The employee has clearly defined performance standards and meets performance plan objectives.
- ☐ Organization and Time Management Skills. The employee is effective in setting work priorities and meeting deadlines.
- ☐ Equipment. A manager should consider whether suitable equipment and connectivity are available at the AWL for the work to be performed.

Authorizing Telework for New EPA Employees. New EPA employees (employees who have worked at EPA for less than six (6) months) may telework at the discretion of their supervisor or manager. Employees are encouraged to get experience in their organization or work unit before requesting telework, and managers are encouraged to grant telework on an episodic basis, to the extent appropriate, as new employees become familiar with work requirements and Agency culture. While that amount of time will vary by employee, an

“orientation” period of 90 days up to six (6) months would be considered reasonable before allowing a new employee to telework on a regular basis.

In addition to the basic eligibility requirements for EPA employees noted above, managers authorizing telework for new employees should, at a minimum, also consider the following factors:

- ☐ Previous federal service, if any;
- ☐ Length and nature of previous work experience; and
- ☐ Any previous experience teleworking.

9. REQUIREMENTS FOR FULL-TIME TELEWORK

A. Eligibility. In addition to meeting the eligibility requirements set forth above for all teleworkers, employees seeking to telework full time must meet the additional criteria set forth below. As with all telework, management reserves the right to determine if authorizing an employee to perform full-time telework is appropriate. Approval for full-time telework should only be authorized in those rare instances when:

1. All of the employee’s work is portable;
2. The employee’s position requires minimal personal interface with management officials and other employees;
3. The employee has a demonstrated track record of meeting performance plan objectives and working without close supervision;
4. Technology needed to perform duties is available and fully functional; and,
5. The Deputy Assistant Administrator (DAA) or Deputy Regional Administrator (DRA), or their appointed designee, has approved the request for full-time telework based on a determination that an employee meets all required criteria in this section.

B. Recertification. Within thirty (30) days of the effective date of this Article, any employee that is currently performing full-time Telework, under a Telework agreement or otherwise, must recertify that they meet all eligibility criteria set forth in A above.

C. Approvals Must Be in Writing. All requests for telework must be approved in writing by the requesting employee’s immediate supervisor or other appropriate agency manager, and may be terminated at any time. Requests for full-time telework must also be approved in writing by the DAA or DRA (or their designee) of the employee’s organization.

D. If approved for full-time telework, the employee understands and agrees that:

1. If the employee chooses to move, any relocation costs associated with moving is the sole responsibility of the employee;
2. If the telework agreement is terminated for any reason, the employee is responsible for all costs associated with returning to the official worksite location. The first-line supervisor will provide a 5 (five) day written notice of intent to terminate the agreement and the employee will have 10 (ten) days to report back to the official worksite.
3. Locality pay may change.

- E. Relocation. Requests by employees engaged in full-time telework who are seeking to relocate outside of the local commuting area will be approved only in rare circumstances. Any such request is voluntary on the part of the employee. The relocation, if approved, would be for the convenience and benefit of the employee, and the Agency will therefore not pay for nor reimburse any relocation costs incurred by the employee. Employees engaged in full-time telework seeking to change their Official Worksite to relocate outside of the local commuting area must receive the written recommendation for doing so, in advance, from their supervisor or manager. The written recommendation must be submitted by the supervisor to the DAA or DRA, or their appointed designee, that clearly explains how the employee is fully able to perform all of his or her duties effectively from the remote location, so that approval of the request will not, under any circumstances, diminish the Agency's ability to accomplish its mission and meet its operational goals. An assessment of relocation requests, must, at a minimum include 1) a consideration of the employee's current and likely future duties and whether or not the employee is likely to retain full-time telework eligibility in the future; and, 2) the costs associated with any recall that may be necessary (particularly those requesting to relocate significantly outside of the local commuting area). This documentation must be approved and signed by the DAA/DRA, or their appointed designee. If disapproved, the DAA/DRA, or their appointed designee, will respond in writing with the reasons the request was denied.

10. PREPARING FOR THE TELEWORK ARRANGEMENT

EPA Eligible Employees. All eligible EPA employees who wish to telework must meet the following conditions. Failure to comply with any one of the conditions listed below may result in termination of a telework arrangement:

- ☐ Complete the required employee telework training prior to applying for the telework program;
- ☐ Complete the Telework Application/Agreement Form (Appendix B) and the Safety Checklist (Appendix C) (which identifies the significant safety standards that should be met at the AWL) and submit them to their supervisor for approval;
- ☐ Ensure that all necessary dependent care arrangements are maintained and that they do not interfere with the employees' work performance while working at the AWL;
- ☐ Have equipment at the AWL that is available and working properly to ensure compliance with OEI's technology policies and procedures;
- ☐ Comply with established pay and administration policies on work schedules, consistently use the appropriate telework time reporting codes (TRCs) to document time and attendance on a bi-weekly basis and give a copy of their telework schedule to the office timekeeper;
- ☐ Comply with established policies for requesting leave;
- ☐ Maintain a performance level that is on par with that achieved at the official worksite (i.e., no diminishment of performance) as well as maintain a current performance level of at least "Fully Successful;"
- ☐ Ensure that working from the AWL causes no disruption in the efficiency of work, and that the employee is available to his or her customers, co-workers and supervisors. This means, for example, that teleworking employees cannot make their regular teleworking hours unavailable for calls, meetings or virtual meetings in their electronic calendars or put "out of office" messages on e-mail and voice mail systems indicating that they are unavailable;
- ☐ Maintain organizational requirements regarding communication and accessibility and respond in a timely manner to their team leaders, supervisors, co-workers, Agency customers and the public;
- ☐ Be capable of joining and be available to join teleconference meetings or conference calls while working at the AWL;
- ☐ Safeguard EPA equipment (if provided) and use it only for official purposes in accordance with established policies;
- ☐ Be willing to telework in case of an emergency;
- ☐ Be willing and able to leave the AWL and return to the workplace if requested by his or her supervisor; and

- ☐ Participate in the annual recertification process as outlined by their organization and in any other telework program monitoring and/or evaluation processes required by EPA or other authoritative entities (e.g., OPM, GAO or Congress).

Each new telework agreement will be reviewed on an individual basis. Decisions will be made based on eligibility criteria outlined in this agreement and in applicable bargaining unit agreements. The process for application and reapplication will also follow those processes outlined in this agreement and in applicable bargaining unit agreements.

11. TELEWORK TRAINING

Training sessions on the basics of telework will ensure a common understanding of its requirements. Participating employees must complete OPM's on-line training course "Telework 101 for Employees" available at www.telework.gov/ and obtain a certificate of training before participation. Supervisors must complete OPM's "Telework 101 for Managers" also at www.telework.gov/ and also obtain a certificate of training. The employee's record of the required training must be attached to the telework agreement. Another Agency-approved training course may be substituted for the OPM training.

12. ESTABLISHING THE TELEWORK AGREEMENT

Regular, Full-Time and Episodic Telework. The following actions are to be taken when establishing a regular, full-time or episodic telework agreement:

- ☐ The interested employee submits a completed application to his or her immediate supervisor;
- ☐ The employee and supervisor discuss the proposed telework agreement and the type of work to be completed by the employee at an AWL;
- ☐ If a suitable arrangement is reached, the employee and supervisor complete the application, agreement, safety checklist if the AWL is in the employee's primary residence during the work week, and the required training. Once all are completed, the telework agreement is signed and dated by the employee and supervisor (and DAA/DRA, if applicable);
- ☐ A separate agreement for each telework episode is not necessary if the employee has signed an agreement to telework on an episodic basis;
- ☐ Employees are to obtain information and implement all procedures for accessing the secured operations of the official worksite; and
- ☐ If the AWL is a telecenter, arrangements must be made by the employee's office to cover cost and to reserve a workstation for the employee.

Medical Telework. The following actions are to be taken when establishing a medical telework agreement:

- ☐ The employee must submit, to his or her immediate supervisor, a physician-certified written statement that:
 - Provides a description of the diagnosis;
 - Summarizes the prognosis, including the expected return-to-work date, and, as appropriate, discusses medical management—including how the temporary medical condition might interrupt the employee's work schedule;
 - Lists restrictions that should be placed on the work performed at the AWL, if applicable;
 - States that the employee is able to perform the duties of the position at an AWL;
 - Describes the benefit to the employee's medical condition from working at an AWL, or the reduction of health risks to other employees, if any, derived from this arrangement; and
 - States the projected date when the employee will be able to return to the official worksite.
- ☐ Medical Telework allows an employee who has a physician-certified, temporary medical condition with an expected duration of six (6) months or less that prevents him/her from working at his or her official worksite to work at an AWL for a limited time. If a physician-certified medical need is submitted to the

supervisor, medical telework may be authorized for up to 80 hours per pay period for up to six (6) months. After six months, a medical telework agreement may be extended if the additional certification justifies it.

- ☐ Any adjustments or requests for extensions to the approved medical telework must be supported by further medical certification. The total maximum allowable time for a medical telework is 12 months.
- ☐ Based on the employee's condition, the supervisor may grant the employee sick leave or approve a combination of sick leave and telework to cover the situation.
- ☐ Medical telework is appropriate for employees with non-work compensable injuries. Employees with work compensable injuries will be managed under applicable workers compensation regulations.
- ☐ A supervisor may request updated medical documentation, as needed.

13. TELEWORK AGREEMENTS

The telework agreement covers the terms and conditions of the telework arrangement. It also constitutes an agreement by the employee to adhere to applicable guidelines and policies. The telework agreement covers items such as the voluntary nature of the arrangement; duration of the telework agreement; hours and days of duty at each work location; responsibilities for timekeeping, leave approval and requests for overtime and compensatory time; performance requirements; and proper use and safeguards of government property and records, etc. When any aspect of the work agreement changes (e.g., position, work assignment, supervisor, alternate work location, etc.), the employee and supervisor will reassess the employee's work to determine telework suitability and continued approval.

Individual telework agreements must be recertified at least annually. Organizations may choose to use the anniversary date of the establishment of a Telework Agreement or may establish a universal recertification date.

Employees who are designated essential for inclement weather or other emergencies and/or are emergency response employees for Continuity of Operations Plan (COOP) purposes, should have signed telework agreements in place to facilitate continuity of operations in the event of emergencies.

A copy of the signed telework agreement will be provided to the person/s responsible for maintaining telework records in the organization.

14. TIME AND ATTENDANCE AND OTHER MISCELLANEOUS ISSUES

Recording Telework Hours and Control of Time and Attendance. Proper recording, monitoring, and certification of employee work time are critical to the success of the program. Employees and/or timekeepers are responsible for recording all telework time (regular, full-time, episodic, medical and unscheduled) into the time and attendance system.

Telework Time Reporting Codes (TRC). Employees must accurately document all of their telework work hours using appropriate time recording codes in the Agency's time keeping system. There may be separate TRCs for regular, full-time, episodic, medical and unscheduled telework as well as for overtime telework and telework as a reasonable accommodation; employees must ensure that they document their time pursuant to current TRCs and refer any questions to their timekeeper.

Hours of Duty and Work Schedules. Employees who telework will work the same schedules that they work in the official worksite, including compressed or flexible schedules under an approved alternate work schedule plan and may not work non-standard evenings and weekend schedules. Eligible work schedules for employees participating in telework are the same as those employees working at the official worksite but can be structured

to meet the needs of participating employees and their supervisors. In the event of emergency or extreme circumstances, work schedules may be changed with supervisor approval and in accordance with established procedures. Unstructured arrangements where employees work at the AWL without prior supervisory approval are not permitted.

Work schedules may also include fixed times during the day for supervisor/employee telephone conversations. Establishing such times may be helpful to ensure ongoing communication. E-mail and voice mail messaging offers additional supervisor/employee communication options.

Overtime during Telework - Eligibility Requirements. Any overtime work performed by an employee while teleworking must be ordered and approved in advance, and in writing, by the employee's supervisor. Overtime that is not ordered and approved in advance, and in writing, will not be compensated. This applies to both overtime pay and compensatory time earned in lieu of overtime pay. Detailed information on overtime can be found in the EPA Pay Administration Manual (EPA Order 3155).

Leave. Procedures for requesting leave are the same for employees participating in telework and employees working at the official worksite. Employees are responsible for obtaining leave approval in advance and reporting leave usage appropriately on their timecards. See the EPA Leave Manual (EPA Order 3155) for details.

Workers' Compensation. Employees who telework are covered by the Federal Tort Claims Act or the Federal Employees Compensation Act, and qualify for continuation of pay for workers' compensation for injuries sustained while performing their official duties. For this reason, it is vital that a specific AWL be approved in advance and adhered to by the employee.

The supervisor's signature on the request for compensation attests only to what the supervisor can reasonably know, specifically whether the event occurred at the official worksite or at an AWL during official duty. Typically, supervisors are not present when an employee sustains an injury. Employees, in all situations, bear responsibility for informing their immediate supervisor of an injury at the earliest time possible, seeking appropriate medical attention, and filing the appropriate workers' compensation claim form.

Telework arrangements can put employees who are currently receiving continuation of pay or worker's compensation back to work, taking them off the workers' compensation rolls. Supervisors may be able to find work that such employees are able to perform at home, or restructure existing work so that some of it may be completed at home.

Requirement to Return to the Office on a Scheduled Telework Day. Employees participating in the telework program, including full-time telework must be accessible and available for recall to their official worksite for a variety of reasons such as, but not limited to: meetings, briefings, special assignments, training, travel, unscheduled absence of other employees, emergencies or other situations deemed necessary by the supervisor to meet mission, staffing, and workload requirements. Under these circumstances, the following should occur:

- ☐ The supervisor or manager should give the employee as much advance notice as possible of the need to report to the office; notice should generally be provided at least the calendar day before the employee is required to report to the office
- ☐ For regular telework, excluding full-time, if the supervisor directs an employee to report to his or her office (or to a temporary duty location, if applicable) on the employee's scheduled telework day in a given week, the supervisor may—at his or her discretion— permit an employee to work on a different telework day during that same week based on mission, staffing, and workload requirements. There are no "carryovers" of "missed" telework days from week-to-week. If an employee is unable to telework from his or her AWL due to being required to be at the office on a regularly-scheduled telework day, or being on approved leave or travel, he or she is not entitled to another telework day. At his or her discretion, the supervisor may approve another telework day within the same workweek or pay period.

Travel. The travel provisions that apply to employees working at the official worksite also apply to employees who telework. A teleworker who is directed to travel to another worksite (including the official worksite) during his or her regularly scheduled basic tour of duty would have the travel hours credited as hours of work.

Prohibited Uses of Telework. Supervisors, managers and approving officials are prohibited from authorizing regular, episodic, or unscheduled telework whose underlying purpose is to accommodate employees with non-work-related issues or personal circumstances that should be accommodated through other appropriate processes. Examples include, but are not limited to:

- ☐ Substituting telework for dependent/elder care (i.e., when the home is the AWL, an employee should not be using telework as a means to care for his or her spouse, child, or relative);
- ☐ Allowing an employee to telework while on paid leave (e.g., annual leave or sick leave is a non-work status);
- ☐ Accommodating an employee's personal requests that should legitimately be resolved by other appropriate means (e.g., sick leave, annual leave, leave without pay, donated leave, advanced leave, accrued compensatory time, change in work schedule, reassignment, etc.); and
- ☐ Including time spent in routine commuting to and from the official worksite.

NOTE: There may be circumstances where telework eligible employees utilize leave for a portion of the workday and at the supervisor's discretion may be permitted to telework at an AWL for the remainder of the workday.

Monitoring Performance. The Government Accountability Office (GAO) guidelines require that agencies establish a method that provides the supervisor with reasonable assurance that employees are working when scheduled. Appropriate management controls and reporting procedures must be in place before employees begin telework assignments. Teleworkers and non-teleworkers are treated identically for the purposes of monitoring and assessing job performance.

Some approved techniques, which could be applicable to telework arrangements, include:

- ☐ Supervisory telephone calls or e-mail messages to an employee during times the employee is scheduled to be on duty;
- ☐ Unscheduled visits by the supervisor to the employee's AWL; and
- ☐ Use of performance management systems, including regular workload/accomplishments reports for teleworking and non-teleworking employees to determine reasonableness of work output for time spent, project schedules, key milestones, quality of the work performed, and team reviews.

Performance Level Required for Maintaining Telework Agreements.

- ☐ Employees must perform at the "Fully Successful" level or higher in order to continue teleworking. If an employee's current performance falls below the "Fully Successful" level, the supervisor may terminate the telework agreement after consulting with the servicing Labor and Employee Relations staff.
- ☐ The employee may re-apply to participate in the telework program after the employee has performed at the "Fully Successful" level for at least 12 months.
- ☐ The privilege to telework may also be revoked at any time if the employee does not comply with the terms of the mandatory written agreement between the agency supervisor and the employee.
- ☐ Noted diminishment of performance on the part of the employee may result in the termination of the telework agreement.

15. TELEWORK DURING DISMISSALS AND CLOSURES

Unscheduled Telework/Closures. In the event that unscheduled leave/unscheduled telework is announced because Federal offices are closed (to include early departures and late arrivals) or unusual circumstances prevent Federal employees from accessing the regular office location, employees scheduled to telework that day are required to telework as usual. Employees not scheduled to telework, but with telework agreements, are required to telework to the maximum extent possible, subject to available portable work. For these employees, the day is a normal workday and time and attendance rules apply. Employees are not entitled to receive overtime pay, credit hours, or compensatory time off for performing work during their regularly-scheduled non-overtime hours. Employees may, however, request unscheduled leave.

Late Arrivals/Early Dismissals/Emergencies at the Regular Office Location. When an emergency causes the early closure of the regular office location, employees have the option to request unscheduled leave or unscheduled telework if they wish to leave prior to the designated early departure time. Such emergencies include, but are not limited to, weather, fires, chemical spills, disruptions of power or water, and interruptions to public transportation. Employees teleworking from their primary residence during the work week are not dismissed. Employees reporting to an AWL other than their primary residence during the work week will follow the dismissal procedures of the AWL. Early release for holidays granted by Executive Order shall be granted to those on telework.

In unique situations or unusual circumstances such as lack of electricity, infrastructure disruptions or connectivity issues at the AWL, a telework employee is expected to report to the regular office location, unless the regular office location is closed to the public. In that instance, the employee may be granted excused absence by his or her supervisor or manager. Absent an adequate reason, an employee may be placed on absence without leave (AWOL) or potentially be disciplined for AWOL for failing to report to work at the AWL as required. Failure to adhere to this agreement or other applicable policies may result in the termination of an EPA telework agreement and/or other penalties as outlined in EPA's conduct and discipline policy.

16. DENIAL, MODIFICATION AND/OR TERMINATION OF THE TELEWORK AGREEMENT

Telework is a voluntary program and not an employee entitlement. The operational needs of the Agency are paramount. Employees who telework do not have an automatic right to continue teleworking. Telework arrangements may be modified, adjusted, or terminated at any time deemed necessary by management or when requested by an employee. Management has the right at any time to end an employee's use of telework, if, for example, the employee's performance declines or if the telework arrangement no longer meets the organization's needs. Participation in telework will be terminated when the employee no longer meets the eligibility criteria.

Management shall provide sufficient notice, when feasible, before modifying or terminating a telework agreement to allow the affected employee to make necessary arrangements. The reason for termination will be documented, signed by the supervisor/approving official, and furnished to the affected employee. Consent or acknowledgement via signature by the affected employee is not required for the termination of telework to take effect.

If you are a member of a bargaining unit represented by NAIL and you wish to file a grievance in connection with this determination, you may do so under the grievance procedure contained in the applicable collective bargaining agreement.

17. REPORTING

As OPM and other federal organizations seek telework reports, EPA's TMO and Agency Telework Coordinator will serve as the primary liaisons between EPA, OPM, and other federal organizations. EPA's Telework Coordinator will serve as the Agency's central coordinating point for all telework reports and will work with telework coordinators across the Agency to prepare comprehensive telework information and reports.

18. FACILITIES AND EQUIPMENT

Alternative Work Location Office Space. Requirements will vary depending on the nature of the work and the equipment needed to perform the work. At a minimum, employees should be able to easily communicate by telephone and email with the supervisor, coworkers, and serviced clients when working from their AWL. In addition, employees are responsible for verifying and ensuring that their work areas comply with health and safety requirements (see Appendix D, Safety Checklist). Home work areas must be clean and free of obstructions, in compliance with all building codes, and free of hazardous materials. An employee's request to telework may be disapproved or rescinded based on safety problems or the presence of hazardous materials. A supervisor or designated safety official may inspect the home office or other AWL for compliance with health and safety requirements when deemed appropriate. The supervisor must provide the employee with at least 24 hours' advance written notice of the inspection.

Official Worksite Office Space Sharing. An employee approved to regular telework 3 or more days per week (6 or more days per pay period) may be required to utilize common/shared work areas. These work areas are not permanently assigned to any specific employee and are utilized as available and as needed when the employee is required to report to the official worksite.

Government-Furnished Equipment (GFE). EPA is under no obligation to provide GFE to its employees solely for the purpose of teleworking. Supervisors and managers, at their discretion, and if budget permits, may authorize certain items and services for the individual teleworker, including computers, external drives, printers, and telecommunications equipment and services.

EPA will not reimburse employees for the utility costs (e.g., heating, air conditioning, lighting, and the operation of government-furnished computers) for alternative worksites. Utility costs include the monthly service charges for telephone. Government-issued calling cards or mobile phones may be used by teleworking employees to make long distance calls to conduct official government business. Employees should understand that the use of government issued mobile phones and calling cards may be monitored to ensure that they are being utilized in connection with Agency business. EPA is responsible for the service and maintenance of all government-owned equipment.

Non-Government Furnished Equipment. Employees should be aware that Agency work maintained on an employee's personal computer may be subject to litigation discovery or the Freedom of Information Act (FOIA) even if it is not considered a record under the Federal Records Act. Teleworkers should refrain from saving any EPA information to their personal equipment.

If an employee furnishes his or her own equipment/workstation at home, the government will not reimburse the employee for the purchasing costs of the equipment/workstation. In addition, the employee is responsible for the maintenance, repair, and replacement of privately-owned equipment. The EPA will not reimburse the employee for such costs, including broadband.

19. INFORMATION SECURITY

EPA's Chief Information Officer (CIO) and OEI are responsible for issuing and maintaining policies and minimum implementation standards for remote access security, which includes access to information systems required for telework. These EPA policies and standards outline the responsibilities of each EPA office or laboratory and by implication, teleworkers, to enable an effective working environment for the teleworker and the protection of EPA systems from undue risk. Each EPA office and laboratory is responsible for enforcing proper teleworking information security procedures specific to their operating unit.

Teleworkers also agree that their responsibilities described in the Agency's information security directives, policies and procedures apply while on telework status. Other pertinent office policies on information security

may also exist and supervisors are responsible for ensuring that teleworkers agree to follow all applicable policies in place.

The AWL workplace and workstation must be configured to ensure all EPA information in any form or format is properly protected at all times and in accordance with all EPA directives, policies and procedures. The teleworker must minimize security risks to all EPA information and systems.

20. RECORDS MANAGEMENT

EPA employees must comply with the EPA's Records Management Policy on using, creating, maintaining, and disposing of records when working at an AWL. Compliance with Agency records management policy will protect the Agency and the employee in the event of litigation or investigation. During an investigation, all relevant records must be made available to investigators and auditors. Information may be subject to the Freedom of Information Act (FOIA). If proper legal authorities are obtained, employees should be aware that Agency work maintained on an employee's personal computer may be subject to litigation discovery or the Freedom of Information Act (FOIA) even if it is not considered a record under the Federal Records Act.

Agency records will only be disposed of in accordance with the provisions of the Agency's Records Control Schedules. Any record removed from the official worksite for telework assignments remains the property of EPA. Additionally, any record that is generated from telework assignments is the property of EPA. Employees are responsible for maintaining the integrity of their records, for following EPA procedures for records, and for producing records on demand.

Disposal of Telework Program Records. EPA Records Schedule 039 (August 15, 2006) authorizes the disposal of records related to requests or applications to participate in an alternate worksite program (i.e., telework). This includes agreements between EPA and an employee, records relating to the safety of the worksite, the installation and use of equipment, hardware, and software, and the use of secure, classified information or data subject to the Privacy Act.

21. MATERIALS SUPERSEDED

- ☐ NAIL Local 9, Gulf Breeze, FL, CBA Article 13, Flexiplace Program

22. DURATION

This Agreement will remain in effect for a period of three (3) years from the date of approval and can only be opened during that time by mutual consent of the parties. This Agreement will be renewed automatically for additional periods of one (1) year unless either Party gives written notice of its desire to amend, renegotiate, or terminate the Agreement.

23. REFERENCES

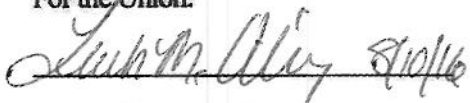
- ☐ The Telework Enhancement Act of 2010 (Act) (December 9, 2010).
- ☐ Public Law 106-346, § 359 (October 23, 2000).
- ☐ Office of Personnel Management (OPM) document OPM-II-A-1, "*A Guide to Telework in the Federal Government*" (2006) (<http://www.opm.gov/pandemic/agency2a-guide.pdf>).

- ☐ 5 C.F.R. Part 550, Subpart D
- ☐ 5 C.F.R Part 530 and 531
- ☐ 5 U.S.C. Section 5305(i)
- ☐ Office of Personnel Management (OPM) Memorandum, “*Washington, DC Area Dismissal and Closure Procedures*,” December 2013.

24. SIGNATURE PAGE

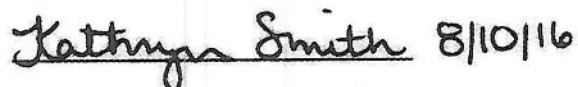
This agreement is entered into between U.S. EPA and NAIL Local 9.

For the Union:

 8/10/16

Leah Oliver, President, NAIL Local 9

For the Agency:

 8/10/16

Kathryn Smith, LER Specialist, U.S. EPA

25. APPENDICES

APPENDIX A: NOTIFICATION OF INELIGIBILITY MEMORANDUM

MEMORANDUM

SUBJECT: Notification of Ineligibility for Telework

FROM:

TO:

For the reasons stated below, I have determined that you are currently ineligible to telework. I have reached this determination after a careful review of the current duties and responsibilities of your position.

Your position requires the daily performance of duties or responsibilities that cannot be handled at an alternate work location. Specifically,

Should the duties or responsibilities of your position change, I will reconsider this determination.

If you are a member of a bargaining unit represented by NAIL and you wish to file a grievance in connection with this determination, you may do so under grievance procedure contained in the applicable collective bargaining agreement.

If you have any questions or concerns about your eligibility or other aspects of the EPA-NAIL Telework Program, please contact me or see the EPA-NAIL Negotiated Telework Agreement.

Other Comments/Documentation of meeting with employee:

Supervisor's Name /Signature

Date

APPENDIX B: TELEWORK APPLICATION/AGREEMENT FORM

EPA-NAIL Telework Application/Agreement Form

Application Information:

- ☐ This is my first application for the Telework Program
☐ This is a re-application for the Telework Program

Employee Name:

Job Title & Grade:

HQ Office/Region and Division:

Employee's Work Phone:

Employee's E-mail Address:

First-line Supervisor:

Work Phone:

Proposed Start Date:

Proposed End Date: (for Medical Telework)

Address of Alternative Work Location (Include city, state and zip code):

Phone Number of Alternative Work Location:

**Fax Number of Alternative Work Location
(if applicable):**

Voluntary Participation: The employee voluntarily agrees to work at the Agency-approved alternative work location (AWL) identified above and to follow all applicable policies and procedures. The employee recognizes that the telework arrangement is not an employee benefit but an additional method the Agency may use to accomplish work.

Type of Telework (Check appropriate box(es):

☐ **Regular or Full-Time Telework:** Regular, recurring, and on-going.

☐ _____ days per week ☐ _____ days per pay period

☐ **Episodic Telework:** An option for an employee to work from an approved AWL for a specific limited duration or on an ad hoc basis.

☐ **Unscheduled Telework:** Employees understand that they may be required to telework from an Agency-approved alternate work location (AWL), to the extent possible, when severe weather conditions or other circumstances disrupt commuting or prevent employees from reporting to work or when offices are closed to the public or unusual circumstances prevent employees from accessing the regular office location.

☐ **Medical Telework:** Medical Telework allows an employee who has a physician-certified, temporary medical condition that prevents him/her from working at his or her official worksite to work at an AWL for a limited time. (See EPA-NAIL Negotiated Agreement, Section 6, for specifics regarding the Medical Telework Program.)

☐ _____ work days ☐ _____ work weeks

Certifications (Check the appropriate box(es) below):

☐ I certify that I have attached the "Employee Self-Certification Safety Checklist" (Appendix C) to this application.

☐ I certify that I have attached the required medical documentation for consideration (if applying for Medical Telework).

☐ I understand that I may be directed by my supervisor or other Agency official to telework at an approved AWL in case of an emergency, such as, but not limited to, weather or power disruption (see sections 6 & 15 of the EPA-NAIL Telework Agreement).

Date employee completed required telework training: _____

Time and Attendance: The employee will provide his/her timekeeper with a copy of his/her work schedule. The employee will use the appropriate telework time reporting codes to document his/her hours worked.

Leave: The employee agrees to follow established office procedures for requesting and obtaining approval of leave.

Employee's Approved Telework Schedule. The employee's work schedule (official tour of duty) while participating in the Telework Program is listed below.

The employee agrees to observe hours of work in accordance with established policies. The employee's work schedule at an AWL must be the same as that in place at the official worksite. The employee understands that if a sign-in/sign-out procedure is required at the official worksite, that procedure will be applied electronically (i.e., through an e-mail system) while the employee works at the AWL. The employee understands that EPA management reserves the right to alter the telework schedule to accommodate office demands or for any other official purpose with advance notification.

The employee will provide his/her timekeeper with a copy of his/her work schedule. The employee will use the appropriate time reporting codes to document his/her hours worked.

Pay Period Week #1	Official Worksite	Alternative Work Location	From (AM):	To (PM):
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Pay Period Week #2	Official Worksite	Alternative Work Location	From (AM):	To (PM):
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				

Work Schedule Changes: This agreement does not restrict the employee's right to request a change of schedule in accordance with existing policies.

NOTE: After approving the initial telework schedule, if an additional permanent change of schedule is approved by the employee's supervisor, it should be attached as an addendum.

Work Assignments: (a) The employee agrees to complete all assigned work in accordance with his/her supervisor's instructions. The employee will communicate as needed with his/her supervisor to receive assignments and have completed work reviewed. (b) The employee agrees to inform the supervisor when he/she does not have sufficient portable work to support a full day at the AWL.

Communication during Telework: While teleworking, the employee agrees to be accessible and responsive to his/her supervisor and co-workers/customers/clients/stakeholders and when contacted, respond as promptly as possible. The employee understands that he/she must provide the AWL telephone number to his/her supervisor and to co-workers/customers/clients/stakeholders. In addition, the employee understands that the supervisor may establish other systems for regular communication including, but not limited to forwarding of office phone line to AWL (or regularly check office voice mail), and/or use of EPA instant messaging system. Failure to maintain communication contact guidelines while

teleworking can be a basis for termination from the Telework Program.

Return to Official Worksite: (a) The employee must report to the official work site without delay if requested by his/her supervisor or another management official in the employee's chain of command. The employee is expected to exercise good judgment in determining whether the work would be advanced by reporting to the official worksite.

NOTE: Travel provisions that apply to employees working at the official worksite also apply to employees who telework.

Early Dismissals/Excused Absences: (a) The employee understands that, while working at an AWL, he/she is **not** entitled to excused absence for emergency closings, delayed openings, or early dismissals for conditions or events that do not affect his/her reporting for duty at the AWL. (b) The employee agrees to report to the official worksite (if it is open), subject to the same excused absence allowances provided to other employees at the official worksite if there are conditions which prevent the employee from performing his/her duties at the AWL (e.g., power outage). Otherwise, the employee must request leave.

Agency Equipment: An employee who is authorized to use Agency equipment agrees to safeguard EPA equipment in accordance with the procedures established in FIRM Bulletin 30 (October 15, 1985) and will only use it for official purposes. The Agency agrees to install, service, and maintain any Government-owned equipment issued to the teleworking employee.

Employee's Personal Property: If an employee furnishes his or her own equipment/workstation at home, the government will not reimburse the employee for the purchasing costs of the equipment/workstation. In addition, the employee is responsible for the maintenance, repair, and replacement of privately-owned equipment. The EPA will not reimburse the employee for such costs, including broadband.

Questions related to claims for personal property damage or loss or personal injury related to the employee's performance of official duties should be directed to the servicing Human Resources Office/HR Shared Services Center. The Agency will address issues of employee or Agency liability in accordance with the specific facts of each case and under the provisions of the Federal Employees Claims Act, the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, and local law as appropriate. In most cases, damage to an employee's real or personal property will not be compensable.

NOTE: If proper legal authorities are obtained, employees should be aware that Agency work maintained on an employee's personal computer may be subject to litigation discovery or the Freedom of Information Act (FOIA) even if it is not considered a record under the Federal Records Act. Teleworkers should refrain from saving any official EPA information to their personal equipment

Safeguarding Information. The employee agrees to use approved safeguards to protect Agency records from unauthorized disclosure or damage and to comply with the requirements set forth in the CIO Policy 06-110 for working with Personally Identifiable Information (PII) off-site, the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and those concerning release of confidential business information (CBI) as set forth in 40 C.F.R. Part II, Subpart B and EPA's TSCA Confidential Business Information Security Manual. Teleworkers and supervisors must also be aware of their obligation for ensuring IT security by completing required IT security training.

Performance Requirements: (a) The employee understands that to participate in the Telework Program he/she must have a current rating of record of Fully Successful (Level 3) or better. This does not apply to employees who are statutorily exempt from performance ratings. (b) The employee understands that for the work performed at the AWL, his/her supervisor will evaluate the employee's job performance against the critical elements and performance standards and measures established in the employee's performance agreement.

Withdrawal or Termination from the Telework Program:

(a) The employee may suspend or terminate his/her participation in the Telework Program at any time without prejudice and return to his/her official worksite. The employee's notice to his/her supervisor should be in writing and acknowledged in writing by the supervisor to prevent misunderstandings about the employee's work location.

(b) The Agency can terminate the Telework Agreement and instruct the employee to resume working at the official worksite. Reasons for termination include, but are not limited to: the employee's Telework assignment no longer benefits the Agency, the employee's work assignments are not being performed efficiently or effectively, or the employee fails to comply with the requirements specified in the Telework Agreement. When a decision is made to remove an employee from the Telework Program, the Agency agrees to follow all applicable administrative or negotiated procedures. The employee must be given

written notice using the Telework Discontinuation Form (Appendix E) indicating the reason(s) for removal.
(c) If terminated from the Telework Program, the employee may reapply for participation provided that his/her performance is fully satisfactory, and he/she meets all other eligibility requirements.

Employee Certification: I certify that I have read and understand the EPA-NAIL Negotiated Telework Agreement and this Telework Application/Agreement Form. I understand that this Agreement may be used or reviewed by management and EPA's Agency and local telework coordinators for the purpose of implementing agency policy and assessing EPA's Telework Program. I certify that I have read and understand the requirements regarding safety and liability, safeguarding information, and other requirements included in this Agreement. I will work according to this Telework Agreement. I have the equipment necessary to accomplish my work at my alternative work location (AWL) and I have completed the required telework training for employees.

Annual Telework Program Re-certification. The employee agrees to meet with his/her supervisor at least annually to discuss his/her telework arrangement to determine if he/she remains eligible to continue participating in the Telework Program. Recertification by the employee is required annually using the Annual Telework Recertification Form (Appendix D). The original copy of the completed form must be submitted to the Program/Regional Office Telework Program Coordinator for record-keeping, as directed by *EPA Records Schedule 039* (February 12, 2007).

Employee's Signature: _____ **Date:** _____

Supervisor's Signature: _____ **Date:** _____

☐ Approved

The supervisor must attach the original copy of this Telework Application/Agreement Form and the Employee Self-certification Safety Checklist (Appendix C) and forward them to the Program or Regional Office Telework Coordinator for official record-keeping, filing in accordance with *EPA Record Schedule 039* (February 12, 2007). The supervisor and the employee should each keep a copy. The employee is responsible for providing a copy of his/her telework schedule to his/her office timekeeper.

☐ Disapproved

If Telework is disapproved, check the box(es) indicating the reason(s):

☐ Security ☐ On-Site Activity ☐ Organizational Performance ☐ IT Issues ☐ Other

The supervisor must inform the employee of the reason(s) for disapproval in writing, normally within 15 calendar days of receiving initial application and provide the information to the Program/Regional Office Telework Coordinator, who will keep the original copy for the record.

Privacy Act Statement. This information is subject to the Privacy Act of 1974 (5 U.S.C. Section 552a).

APPENDIX C: EMPLOYEE SELF-CERTIFICATION SAFETY CHECKLIST

EPA-NAIL Telework Program Employee Self-certification Safety Checklist for Residential AWL

The purpose of this checklist is to assess the overall safety of your residential alternate work location (AWL) or Official Worksite. You must complete this form if you are applying for Regular, Episodic, Unscheduled, or Medical Telework and submit it with your Telework Agreement. **NOTE: This form is not required if the employee is approved to telework from a Federal Telework Center (FTC).** Providing information and signing this Agreement is voluntary, but failure to sign this agreement will preclude the authorization of an alternative workplace other than your regularly assigned location and will result in you not being approved for the employment arrangement specified herein.

Employee's Name:

Address of Alternative Work Location (include city, state, zip code):

Please check the appropriate boxes below as they apply to the work space:

		Yes	No	N/A
1.	Is the space free of asbestos-containing materials?			
2.	If asbestos-containing material is present, is it undamaged and in good condition? (Only check if applicable)			
3.	Does the space appear to be free of indoor air quality problems?			
4.	Is the space free from excess noise?			
5.	Is there a drinkable water supply system available?			
6.	Is the temperature, ventilation, and lighting adequate for maintaining your normal level of performance?			
7.	Are bathroom(s) available with hot and cold running water?			
8.	Are all stairs with four or more steps equipped with handrails?			
9.	Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service?			
10.	Do circuit breakers clearly indicate if they are in the open or closed position?			
11.	Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires fixed to the ceiling)?			
12.	Will the building's electrical system permit the grounding of electrical equipment?			
13.	Are aisles, doorways and corners free of obstructions to permit visibility and movement?			
14.	Do file cabinets and storage closets open so they do not obstruct walkways?			
15.	Do chairs have well-fixed (not loose) casters/wheels?			
16.	Are the chairs sturdy?			
17.	Are the phone lines, electrical cords and extension wires safely secured under a desk or alongside a baseboard?			
18.	Is the space free of combustible materials?			
19.	Is there adequate electrical lighting to accomplish work assignments?			
20.	Are floor surfaces clean, dry, and level?			
21.	Are carpets well secured to the floor and free of frayed or worn seams?			
22.	Is there a working smoke detector and a fire extinguisher?			
23.	Are there any other known safety issues that should be addressed for this workspace?			

Federal Employees' Compensation Act. Employees suffering work-related injuries and/or damages at the alternative worksite during the course of performing official duties (home, telework center, or other location) are covered by the Federal Employees' Compensation Act (workers' compensation and commonly referred to as "FECA"), as appropriate. The scope of any coverage will be determined on a case-by-case basis. An employee is covered by FECA if he or she sustains an injury or occupational illness while in the performance of duty. "Performance of duty" in a telework context is limited to those occasions when the employee is actually engaged in official Government business. The employee is required to notify his or her supervisor and the servicing Human Resources Office immediately of any accident or injury that occurs at the alternate worksite while performing official duties, complete any required forms, and substantiate if necessary.

The employee agrees to allow periodic inspections by the Agency of the AWL during the employee's normal working hours to ensure proper maintenance of Agency-owned equipment and duty station conformance with health and safety standards.

The supervisor must provide the employee with at least 24 hours' advance written notice of the inspection.

Employee's Signature:

Date:

First-line Supervisor's Signature:

Date:

PRIVACY ACT STATEMENT. This information is subject to the Privacy Act of 1974 (5 USC Section 552a).

APPENDIX D: ANNUAL TELEWORK RECERTIFICATION FORM

EPA-NAIL Annual Telework Agreement Re-certification Form

The supervisor should ensure that the review and re-certification of Telework Agreements occurs at least every 12 months to continue participation in the Telework Program. Organizations may choose to use the anniversary date of the establishment of a Telework Agreement or may establish a universal recertification date. The teleworking employee must complete all of the items on this page.

Employee's Name:

Type of Telework Agreement: ☐ Regular ☐ Episodic ☐ Unscheduled

If Regular Telework, Number of days per week: _____ **or number of days per pay period:** _____

Current residence Alternative Work Location (AWL) (street address, city/state/zip):

Current Telephone Number:

Official Worksite and telephone number of teleworker (street address, city/state/zip):

Employee's Telephone Number:

First-line Supervisor's Name:

Date initial Telework Agreement Approved :

Date of last Re-certification, if applicable:

Telework Schedule: For Regular and Full-time teleworkers, identify your approved work schedule below. Indicate in the last row the starting and ending times at both the alternative work location and the official worksite.

	Pay Period Week #1					Pay Period Week #2				
Hours	Mon.	Tues.	Wed.	Thurs.	Fri.	Mon.	Tues.	Wed.	Thurs.	Fri.
Start										
End										
Location										

Re-certification of Telework Agreement is:

☐ Approved ☐ Disapproved. Cite reason(s) below: ☐ Modified. Cite reason(s) below:

Employee's Signature:

Date:

Supervisor's Signature:

Date:

Distribution: The Program/Regional Office Telework Coordinator will file the original copy of this form with the employee's original Telework Program Agreement in accordance with EPA Records Schedule 039, "Alternate Worksite Records" (February 12, 2007). The supervisor and the employee should keep a copy of this form for their own records.

Privacy Act Statement. This information is subject to the Privacy Act of 1974 (5 U.S.C. Section 552a).

APPENDIX E: TELEWORK DISCONTINUATION FORM

EPA-NAIL Telework Discontinuation Form

This is notification that the telework agreement, which was signed on _____ is no longer in effect and is hereby terminated.

NOTE: This form should document the results of a discussion between the supervisor and employee regarding the employee's discontinuation of telework.

Discontinuation is based on (check one):

- ☐ Voluntary Withdrawal
- ☐ Involuntary Withdrawal

If telework is involuntarily discontinued, the decision is based on:

- ☐ Requirements of the current work assignment
- ☐ Reassignment or change in duties
- ☐ Lack of sufficient office coverage
- ☐ Failure to maintain employee eligibility requirements
- ☐ Breach in Information Technology Security policies and/or procedures
- ☐ Other (please specify) _____

Receipt Acknowledged:

Employee Name

Employee Signature

Date

Supervisor Name

Supervisor Signature

Date